

Applicant's remarks as to the manner in which the shaft is supported, are not commensurate with the claim language...

Upon examination of the claims as to the issue of the "shaft support not commensurate with the claim language" applicant's attorney found:

Allowed claim 2 contains the following:

a shaft support means through which said shaft may be removably inserted, said shaft support means further comprises a bearing mounted at a preselected position within said shaft support means and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding;

Allowed Claim 12 contains the following:

a shaft support means through which said shaft may be removably inserted;

Allowed Claim 16 contains the following:

a bearing support sleeve;
at least one bearing mounted within said support sleeve at a preselected position whereby said bearing accepts the insertion of said shaft through said bearing thereby exposing the end of said shaft remote from said tooth removal surface, said bearing support sleeve mounted with said internal shaft channel whereby said exposed end of said shaft is attachable to said electric motor, said bearing providing support for said shaft under the condition of said tooth material removal surface tool being guided into contact with a preselected tooth and pressed against the tooth until a preselected

portion of the tooth is removed while said tooth material removal surface is under powered motion;

The shaft support language in claim 12 is defined in the specification starting on page 11 and generally referring to item 301 which constitutes a bearing sleeve 304 within which is mounted an upper bearing 305 and bearing seal 306 and a lower seal 307.

Unlike elements 19 and 20 of Hicks, US Patent No. 2,429,356, which in the examiner's opinion provides "SHAFT SUPPORT" to the Hicks shaft element 15, applicant's shaft support actually provides mechanical support of the shaft by element 304, a bearing. The elements 19 and 20 of Hicks merely make a pathway, as each element has a groove but the additional elements taught by Hicks of 23 and 24 interlock to hold elements 19 and 20 apart so that the shaft 15 may be inserted through the opposing grooves of 19 and 20 which then simply "do not bind" the shaft but do not provide any support or protection against binding should pressure be placed on the shaft 15 sufficient to come into contact with either element 19 or 20. Applicant's attorney respectfully contends that it was this misinterpretation of Hicks by the examiner that led to the examiner's rejection of claims 1,4-6, 9-11, 14 and 15 unless the examiner agrees and would now allow the claims.

Thus, making the language in claim 12 consistent with the language in claim 2, or claim 16, would not add any new matter to claim 12.

Applicant's attorney respectfully requests that Claim 12 be amended to add the language of claim 2 as follows:

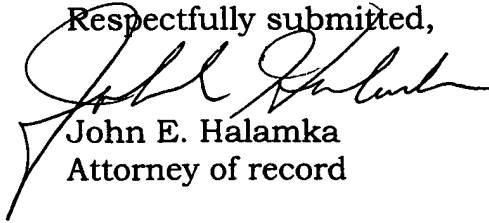
In Claim 12, line 8, after "inserted", insert --,said shaft support means further comprises a bearing mounted at a preselected position within said shaft support means and a bearing seal mounted at a position between said bearing and said cutting surface through which said shaft may be inserted and supported for rotary motion without binding--

Applicant's attorney believes the alignment of claim 12 with claims 2 and 16 should place this application in condition for allowance and that this alignment does not add any new matter to the application.

Applicant's attorney does not believe any fees are due upon the filing of this response, however if the examiner does find that any fees are due, the examiner is authorized to charge the fees to Applicant's attorney's deposit account 08-0207.

Timely notice of acceptance of this paper is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John E. Halamka", is written over the printed name and title.

John E. Halamka
Attorney of record